

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE HOPE COLLEGE DATA
SECURITY BREACH LITIGATION

Case No: 1:22-cv-01224-PLM

CLASS ACTION

JURY TRIAL DEMANDED

**PLAINTIFFS' RENEWED UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiffs Jennie Devries, Tricia Garnett, Mark Cyphers, Timothy Drost, Joseph Rodgers, Emily Damaska, and Elise Carter (collectively, “Plaintiffs”), individually and on behalf of all others similarly situated, move this Court, pursuant to Federal Rule of Civil Procedure 23, for an Order granting preliminary approval of the proposed class action Settlement Agreement agreed to by the Parties.¹

On September 8, 2023, Plaintiffs filed their initial Unopposed Motion for Preliminary Approval and Brief in Support (collectively, the “Motion”). ECF Nos. 25, 26. Following consideration of this Motion, on November 13, 2023, this Court issued an Order denying the Motion without prejudice, holding that “the Court cannot yet preliminarily certify the class[.]” ECF No. 28, PageID.702. In its Order, the Court “identified several ambiguities and outstanding questions that prevent it from preliminarily approving this settlement.” *Id.*, PageID.701.

This Renewed Motion endeavors to provide clarity to the issues identified by the Court in its November 13, 2023 Order, and seeks preliminary approval of Plaintiffs’ agreement with Hope College to settle all individual and class claims that were made, or could have been made, in Plaintiffs’ Consolidated Amended Complaint. ECF No. 12.

In support of this Renewed Motion, Plaintiffs rely upon the accompanying

¹ The Settlement Agreement and its exhibits are included in the accompanying Brief in Support as an Exhibit to the Declaration of Benjamin F. Johns.

Brief in Support and the exhibits thereto—the September 8, 2023 Declaration of Benjamin F. Johns, the September 8, 2023 Declaration of Epiq Class Action & Claims Solutions, Inc., the Supplemental Declaration of Benjamin F. Johns, and the Supplemental Declaration of Epiq Project Manager Scott DiCarlo—all in Support of Plaintiffs’ Renewed Unopposed Motion for Preliminary Approval.

Plaintiffs respectfully renew their request that the Court: (1) grant preliminary approval of the Settlement Agreement; (2) provisionally certify the Settlement Class under Federal Rules of Civil Procedure 23(a) and 23(b) in connection with the settlement process; (3) provisionally appoint Plaintiffs as representatives of the Settlement Class; (4) provisionally appoint Benjamin F. Johns of Shub & Johns LLC as Settlement Class Counsel; (5) find that the proposed Settlement is sufficiently fair, reasonable, and adequate to allow dissemination of notice of the settlement to the proposed Settlement Class by a settlement administrator; (6) appoint Epiq Class Action & Claims Solutions, Inc. as Settlement Administrator; (7) approve the Notice Plan for the Settlement described in the Settlement Agreement and its Exhibits, as well as the specific Notice of Class Action and Proposed Settlement (the “Proposed Notice”) and direct distribution of the Proposed Notice; (8) establish dates for a hearing on final approval of the proposed Settlement, Plaintiffs’ service awards and Plaintiffs’ counsel’s request for attorneys’ fees and expenses; and (9) establish a deadline for the filing of objections by Settlement Class Members and for them to

exclude themselves from the proposed Settlement Class with respect to the settlement.²

November 17, 2023

Respectfully Submitted:

/s/ Benjamin F. Johns

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² A Proposed Order is included as an exhibit to Plaintiffs' accompanying Supporting Brief.

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**Admission Pending*

CERTIFICATE OF SERVICE

I hereby certify that on November 17, 2023, I electronically filed the foregoing documents using the Court's electronic filing system, which will notify all counsel of record authorized to receive such filings.

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